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Human resources management

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Special measures for protection from sexual exploitation and sexual abuse*

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolution 57/306 of 15 April 2003, in which the Assembly requested the Secretary-General to maintain data on investigations into sexual exploitation and related offences. The report presents data on allegations of sexual exploitation and abuse in the United Nations system in the period from January to December 2004. It also describes progress made in the creation and implementation of measures designed to prevent sexual exploitation and abuse, and measures for processing allegations.

* The tardy submission of this report is due to the delay in receipt and analysis of data (up to 31 December 2004) as well as the necessity to consult widely once the data was finalized.

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I. Reports of sexual exploitation and abuse in 2004

1. The General Assembly in resolution 57/306 of 15 April 2003 requested the Secretary-General to, inter alia, maintain data on investigations into sexual exploitation and related offences by humanitarian and peacekeeping personnel, and all relevant actions taken thereon. Pursuant to that resolution, the Secretary-General on 9 October 2003 issued his bulletin ST/SGB/2003/13 on special measures for protection from sexual exploitation and sexual abuse. It was addressed to all staff of the United Nations, including staff of separately administered organs and programmes. As defined in the bulletin, "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. The term "sexual abuse" means actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

2. In response to the request in resolution 57/306, and in accordance with the Secretary-General's bulletin, the present report provides information on the number and type of allegations of sexual exploitation and abuse in 2004. It also sets out the status of investigations into those allegations as at 31 December 2004, and an update on the creation and implementation of measures designed to prevent sexual exploitation and abuse. It also describes the actions that have been taken to enforce United Nations standards of conduct related to sexual exploitation and abuse.

3. In response to the Secretariat's query regarding allegations of sexual exploitation or sexual abuse in 2004, the Office of the Assistant Secretary-General for Human Resources received responses from all 47 United Nations entities from which it solicited responses. These included United Nations Secretariat departments and offices, as well as United Nations agencies, funds and programmes.

4. Forty-one entities received no reports of sexual exploitation or abuse in 2004. Six entities reported that investigations into new cases were opened last year. The number of allegations reported by all entities totalled 121. Annex I presents a list of the nature of allegations by United Nations entity and category of personnel.

5. Annex II presents the status of investigations as at 31 December 2004 in United Nations entities other than the Department of Peacekeeping Operations. The United Nations Children's Fund (UNICEF) had reported 2 cases; 1 had been dismissed due to insufficient evidence and 1 had been sent to United Nations Headquarters for disciplinary action. The World Food Programme (WFP) had reported 1 case; it was pending further investigation. The Office of Internal Oversight Services had reported 1 case; it had been closed owing to the staff member's resignation. The Office of the United Nations High Commissioner for Refugees (UNHCR) had reported 10 cases; 6 had been classified as unsubstantiated or closed, and 4 cases were pending further investigation. The United Nations Volunteers Programme (UNV) had reported 2 cases; 1 case had been dismissed after a preliminary investigation and 1 was pending further investigation.

6. Annex III presents the status of investigations of allegations concerning the Department of Peacekeeping Operations as at 31 December 2004. It had reported 105 new allegations in 2004: 89 against uniformed personnel and 16 against civilian personnel. The majority of these, or 80 allegations, were brought against military personnel, who constitute three quarters of all peacekeeping personnel in the field.

and 9 allegations were related to civilian police. Fifteen allegations involved United Nations staff and one was related to a civilian. The investigation process for allegations against United Nations staff and other civilian personnel (consultants and independent contractors) in the Department provides for them to be examined first by the Head of Mission. He/she either decides that no further action is required, or that a preliminary investigation is necessary. Based on the preliminary investigation, the allegation is either deemed to be unsubstantiated or sent to Headquarters for action. For staff of the Department of Peacekeeping Operations and other civilian personnel in 2004, 1 allegation had been deemed to require no further action and 15 were investigated. Of the 15 investigations, 7 cases had been sent to Headquarters for disciplinary action, 7 were pending investigation and 1 allegation had been classified as unsubstantiated as at 31 December 2004.

7. The same examination of allegations by the Head of Mission, followed by a preliminary investigation, exists for complaints against uniformed peacekeeping personnel, namely, members of national military contingents, military observers and civilian police (referred to as "experts on mission"). However, for personnel in these categories, the preliminary investigation is followed by a Board of Inquiry investigation. In cases in which individuals are found to have committed sexual exploitation or abuse, the Head of Mission can recommend repatriation to the Under-Secretary-General for Peacekeeping Operations. If he/she approves the recommendation, the Permanent Mission of the uniformed personnel concerned is notified and the expenses of the repatriation are paid by the relevant Member State. Among the 89 allegations against uniformed personnel, the Head of Mission decided that no further action was necessary for 6 allegations, 6 allegations were pending a preliminary investigation, and 4 allegations had been deemed unsubstantiated as at 31 December 2004. Seventy-three allegations against uniformed personnel had been sent to the Board of Inquiry: 15 were pending investigation, 5 had been found unsubstantiated, and allegations had been substantiated in 53 cases as at 31 December 2004. In substantiated cases, the military personnel were repatriated on disciplinary grounds. The Department of Peacekeeping Operations is following up with Member States to obtain information on disciplinary and/or criminal action taken.

8. From May to September 2004, the Office of Internal Oversight Services investigated allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The status of those allegations are laid out in the investigation by the Office of the Internal Oversight Services into allegations of sexual exploitation and abuse in MONUC (A/59/661).

II. Observations

9. The total number of 121 allegations of sexual exploitation and abuse registered in 2004 was more than double the 53 allegations reported in 2003. The increase in allegations is deeply troubling. It should be noted, however, that the recorded increase may result in part from the newly implemented measures to prevent and respond to sexual exploitation and abuse. Focal points have been designated to facilitate receipt of complaints, reporting procedures have become more clearly defined, and managers have clearly and publicly indicated that sexual exploitation and abuse will not be tolerated. In these new work environments, it is to be expected

that victims, United Nations personnel and others will be more inclined to come forward with their allegations.

10. Sixteen allegations were reported from all United Nations entities other than the Department of Peacekeeping Operations. The types of allegations ranged from inappropriate verbal conduct to sexual assault and rape. The majority of all allegations, or 105 of the total 121, are from the Department of Peacekeeping Operations. Forty-five per cent of those allegations involve sex with minors and 15 per cent involved rape or sexual assault. Over one third (31 per cent) involved prostitution with adult women and the remaining 6 per cent involved other forms of sexual exploitation and abuse.

11. Although allegations have doubled since 2003, the Secretariat is aware that the data may still not reflect the true extent of these deplorable incidents. Complaints mechanisms still need to be developed in many remote field locations. Although some United Nations personnel may now be more ready to come forward with complaints, others may still be inhibited by a lack of trust in current complaints, investigative and disciplinary systems, and some victims still may be too afraid to come forward. Doubts about the confidentiality of the process are a further deterrent. Some United Nations entities lack the resources needed to bolster efforts to prevent sexual exploitation and abuse. In addition, in cases involving exchange of money or employment for sex there is little incentive, economic or otherwise, for victims to come forward to report, resulting in a probable under-reporting of this form of misconduct. The Secretariat continues to work towards improving these measures; progress made in this regard is described in the following section.

III. Progress in implementing special measures for protection from sexual exploitation and sexual abuse

12. During 2004, further progress was made in implementing baseline measures that will both discourage the occurrence of sexual exploitation and abuse and facilitate responding to and reporting on such incidents when they occur. The Office of Human Resources Management oversees this by monitoring the progress that United Nations entities are making with regard to the Secretary-General's bulletin on sexual exploitation and abuse (ST/SGB/2003/13). All entities are to uphold certain specific minimum standards, including:

(a) The designation of a focal point for receiving complaints of sexual exploitation and abuse in each United Nations entity, and informing staff of the existence and purpose of the focal point. Entities with field operations and missions are also required to inform the local population of the existence and purpose of the focal point;

(b) Distribution of Secretary-General's bulletin ST/SGB/2003/13;

(c) Taking prompt action in accordance with established rules and procedures to deal with cases of staff misconduct;

(d) Promptly informing the Department of Management at Headquarters of investigations into cases of sexual exploitation and abuse, and the actions an office has taken as a result.

13. With regard to focal point designation and awareness, all 47 United Nations entities have appointed sexual exploitation and abuse focal points, and have made their staff aware of their existence and purpose. However, while staff members have been made aware of these focal points and their functions, the local population has not always been sufficiently informed. This is partly due to the need to establish better complaints and response mechanisms before launching comprehensive information campaigns.

14. With regard to the second measure above, all 47 entities reported that they have communicated the Secretary-General's bulletin to their staff. The Office of Human Resources Management has also noted that it appears that entities have become more vigilant and efficient about taking action when sexual exploitation and abuse allegations are made, and in informing the Department of Management.

15. In addition to ensuring that the measures described above are implemented so that the minimum standards of protection against sexual exploitation and abuse are in force across all entities, the Office of Human Resources Management consults with and participates in the activities of a number of inter-agency and interdisciplinary task forces and working groups, including those established by the Executive Committees on Peace and Security and Humanitarian Affairs.

16. One of these groups, the Inter-Agency Standing Committee Task Force,[1] was established in May 2002 by the Inter-Agency Standing Committee and the Executive Committee on Humanitarian Affairs. The major achievements of the Task Force were outlined in its final report, of June 2004. They included clarifying specific standards of conduct and establishing practical measures to address sexual exploitation and abuse by civilian personnel employed by or affiliated with the United Nations or other organizations. Individual agencies and organizations have now taken on the responsibility for following up on the work of the Task Force.

17. One set of standards developed by the Task Force included six reference tools which now apply formally to the entire United Nations system and partners in cooperative arrangements with the United Nations, and informally to all Inter-Agency Standing Committee partners. In May 2004, after approval by the Office of Human Resources Management, they were issued jointly by the Chairperson of the Inter-Agency Standing Committee and the Under-Secretary-General for Management to all heads of departments, offices, funds and programmes and Standing Committee principals. A brief description of the tools follows:

(a) Terms of reference for in-country focal points on sexual exploitation and abuse. These terms of reference elaborate the responsibility of focal points for

[1] The Inter-Agency Standing Committee Task Force was chaired jointly by the Office for the Coordination of Humanitarian Affairs and UNICEF and comprises the Office of the Special Adviser on Gender Issues, the Department of Peacekeeping Operations, WFP, UNHCR, the United Nations Office for Project Services, the Office of the United Nations High Commissioner for Human Rights, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the International Federation of Red Cross and Red Crescent Societies, and the non-governmental organization consortia Interaction and the Steering Committee for Humanitarian Response, including Save the Children-United Kingdom and Oxfam. A large number of other United Nations and non-humanitarian and development organizations provided input to the work of the Task Force. It also liaised with the Office of Human Resources Management, the Office of Legal Affairs and Member States.

receiving and channelling complaints through appropriate mechanisms and making recommendations on prevention strategies;

(b) Terms of reference for in-country networks on sexual exploitation and abuse. These terms of reference elaborate the networks' responsibility for information sharing and coordination and oversight on prevention and response to sexual exploitation and abuse;

(c) Model information sheet for local communities. This alerts beneficiaries to the standards of behaviour expected from humanitarian personnel, as well as basic mechanisms to report abuse;

(d) Model complaints referral form. This is designed to allow for systematic monitoring and investigation of cases;

(e) Scenarios covering prohibited acts. These are designed to assist organizations in training and staff sensitization, so that humanitarian workers and peacekeepers have a full understanding of the acts prohibited under the Secretary-General's bulletin;

(f) Implementation guidelines. These provide guidance on the roles and responsibilities of different levels of managers in implementing the Secretary-General's bulletin and utilizing the tools described above.

18. From May 2004 to the time of writing, the Inter-Agency Standing Committee Task Force Co-Chairpersons have maintained an informal network to provide policy guidance and advice to the field as required. This network has provided support to two training missions to Liberia and the Democratic Republic of the Congo, in July and December 2004. It also contributed to the comprehensive training programme on investigation protocols initiated by the International Council of Voluntary Agencies.

19. A wide range of measures were put in place in peacekeeping operations in 2004 to prevent and respond to sexual exploitation and abuse and to enforce United Nations standards of conduct in this regard. Some specific actions included the following:

(a) At Headquarters, late in 2004, the Department of Peacekeeping Operations created a multidisciplinary task force on sexual exploitation and abuse led by the Assistant Secretary-General, Jane Holl Lute. The task force is intended to support peacekeeping operations in addressing sexual exploitation and abuse effectively. The task force is focusing on producing policy and other guidance, particularly relating to data management and reporting, training, welfare, planning and public information and communications;

(b) A full-time Personnel Conduct Officer was assigned to MONUC in April 2004 to provide the Mission with increased capacity to address conduct issues. Similar posts have been established in Côte d'Ivoire, Burundi and Haiti, and an Officer has been appointed in Burundi;

(c) On the prevention side, the majority of peacekeeping operations issued memoranda during 2004 reminding all members of the mission about the standards set out in ST/SGB/2003/13. Basic induction training on United Nations standards of conduct relating to sexual exploitation and abuse was initiated in a number of peacekeeping operations, including those in Côte d'Ivoire, Liberia and Sierra Leone;

(d) Missions in Côte d'Ivoire, Liberia, the Democratic Republic of the Congo, Ethiopia, Kosovo (Serbia and Montenegro) and Timor-Leste have established lists of premises and areas frequented by prostitutes which are now out of bounds to all personnel;

(e) During 2004, MONUC also introduced a number of mission-specific measures to eliminate abuses. These measures included:

(i) Establishment of a Personnel Conduct Unit to address sexual exploitation and abuse;

(ii) Investigations into allegations of sexual exploitation and abuse by professional investigators with a background in sex crimes, particularly those involving children;

(iii) Establishment of a strict non-fraternization policy and a curfew for military contingents;

(iv) Designation of off-limits areas and premises for all MONUC personnel;

(v) Increased monitoring of off-limits areas and premises;

(vi) Strengthened cooperation with the local police to decrease the interaction between local women and military personnel around military bases and to ensure the positioning of street vendors away from the premises;

(vii) Requirement for military contingents to wear uniforms at all times when outside the military camp;

(viii) Replacement of static guard posts in densely populated areas with mobile and frequent foot patrols, where possible;

(ix) Proposals for improving welfare and recreational facilities for civilian and uniformed personnel.

20. The Organization has also pursued an active dialogue with the Member States on the issue of sexual exploitation and abuse. In July 2004, the Secretary-General invited His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of Jordan, to act as his Adviser on sexual exploitation and abuse by United Nations peacekeeping personnel. Prince Zeid visited the Democratic Republic of the Congo in October and November 2004 to determine the nature and extent of the problem in peacekeeping contexts and undertook a series of informal consultations with Member States on the issue. At the request of the Secretary-General, Prince Zeid prepared a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (see A/59/710). This report was considered by the Special Committee on Peacekeeping Operations in April 2005 and recommendations approved will be taken up for implementation primarily through the task forces on sexual exploitation and abuse set up by the Department of Peacekeeping Operations and the Executive Committees on Peace and Security and Humanitarian Affairs.

21. While some progress has been made during the period under review, those efforts have also served to highlight shortcomings in terms of policies, procedures and guidelines that are needed to prevent sexual exploitation and abuse and enforce United Nations standards of conduct in this regard. In particular, much more needs to be done to establish clear, confidential and easily accessible complaints

mechanisms and to improve information-sharing between different components of the system. Staff have also requested a clearer understanding of the terms of the Secretary-General's bulletin, guidance on how allegations are to be handled and investigated, and information about the disciplinary consequences attached to breaching the standards laid out in the bulletin.

IV. Conclusions

22. The Secretariat anticipates that its efforts to prevent sexual exploitation and abuse will continue to result in an increased number of allegations. It remains committed to changing the organizational culture that permits such acts. Furthermore, the Secretary-General reiterates his firm commitment to implementing the recommendations made in a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (see A/59/710) and urges Member States to pursue this goal with similar resolve and due haste.

23. The General Assembly is requested to take note of the present report.

Annex I

Nature of allegations, by United Nations entity and category of personnel

1 January-31 December 2004

Nature of allegation	*United Nations staff*[a]	*Other United Nations civilian personnel*[b]	*Civilian police personnel*[c]	*Military personnel*[d]	*Total*
Department of Peacekeeping Operations					
Sex with minors	2	0	2	43	47
Employment for sex	1	0	0	0	1
Sex with prostitutes	8	0	3	22	33
Sexual assault	1	0	2	2	5
Rape	2	1	1	10	14
Other	1	0	1	3	5
Total	**15**	**1**	**9**	**80**	**105**
UNICEF					
Sex with minors	1	1	-	-	2
Employment for sex	0	0	-	-	0
Sex with prostitutes	0	0	-	-	0
Sexual assault	0	0	-	-	0
Rape	0	0	-	-	0
Other	0	0	-	-	0
Total	**1**	**1**	**0**	**0**	**2**
WFP					
Sex with minors	0	0	-	-	0
Employment for sex	0	0	-	-	0
Sex with prostitutes	0	0	-	-	0
Sexual assault	0	0	-	-	0
Rape	0	0	-	-	0
Other (sex for food)	1	0	-	-	1
Total	**1**	**0**	**0**	**0**	**1**
OIOS					
Sex with minors	0	0	-	-	0
Employment for sex	0	0	-	-	0
Sex with prostitutes	1	0	-	-	1
Sexual assault	0	0	-	-	0

Nature of allegation	*United Nations staff*[a]	*Other United Nations civilian personnel*[b]	*Civilian police personnel*[c]	*Military personnel*[d]	*Total*
Rape	0	0	-	-	0
Other	0	0	-	-	0
Total	**1**	**0**	**0**	**0**	**1**
UNHCR					
Sex with minors	0	1	-	-	1
Employment for sex	0	1	-	-	1
Sex with prostitutes	0	0	-	-	0
Sexual assault	0	4	-	-	4
Rape	0	1	-	-	1
Other (request for sexual favours to refugee women against money/assistance in-kind)	0	3	-	-	3
Total	**0**	**10**	**0**	**0**	**10**
UNV					
Sex with minors	0	1	-	-	1
Employment for sex	0	0	-	-	0
Sex with prostitutes	0	0	-	-	0
Sexual assault	0	0	-	-	0
Rape	0	0	-	-	0
Other (inappropriate verbal conduct)	0	1	-	-	1
Total	**0**	**2**	**0**	**0**	**2**
Totals					
Sex with minors	3	3	2	43	51
Employment for sex	1	1	0	0	2
Sex with prostitutes	9	0	3	22	34
Sexual assault	1	4	2	2	9
Rape	2	2	1	10	15
Other	2	4	1	3	10
Total	**18**	**14**	**9**	**80**	**121**

[a] Including all international and locally recruited staff under the 100, 200 or 300 series of Staff Rules.

[b] Including individual contractors, consultants, Junior Professional Officers and United Nations Volunteers.

[c] Including formed police units in the Department of Peacekeeping Operations.

[d] Including members of military contingents, United Nations military staff officers, military observers and military liaison officers.

Annex II

Status of investigations reported in 2004 (all United Nations entities except the Department of Peacekeeping Operations)

Entity	*Total allegations received*	*Status of investigation as at 31 December 2004*		
		Unsubstantiated or closed	*Pending*	*Sent to Headquarters for further investigation and possible disciplinary action*
UNICEF	**2**	1	0	1
WFP	**1**	0	1	0
OIOS	**1**	1	0	0
UNHCR	**10**	6	4	0
UNV	**2**	1	1	0

Annex III

Department of Peacekeeping Operations: status of investigations (1 January-31 December 2004)

				Status of investigations as at 31 December 2004						
				Preliminary investigation				Board of Inquiry		
Category of personnel	***Total number of peacekeeping personnel***	***Total allegations received**** *(1)*	*No further actions deemed necessary by Head of Mission (2)*	*Pending (3)*	*Sent to Headquarters for disciplinary action (4)*	*Unsubstantiated (5)*	*Sent to a Board of Inquiry (6)*	*Pending (7)*	*Substantiated (8)*	*Unsubstantiated (9)*
Civilians[b]	**12 299**	**16**	1	7	7	1	-	-	-	-
Civilian police[c]	**6 757**	**9**	1	2	-	4	2	2	0	0
Military[c]	**58 274**	**80**	5	4	-	0	71	13	53	5
Total peacekeeping personnel	**77 330**	**105**	**7**	**13**	**7**	**5**	**73**	**15**	**53**	**5**

[a] Sum of columns (2) to (6).

[b] Total number of United Nations civilian personnel as at 19 January 2005.

[c] Total number of civilian police and military personnel as at 3 March 2005.